

Notice of Allowability

Application No.

09/284,421

Examiner

Maureen M. Wallenhorst

Applicant(s)

GORDON, JOHN FRANCIS

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received on August 27, 2007.
2. ☒ The allowed claim(s) is/are 89-99, 156, 159, 105, 107-108, 110-116, 119-122, 157, 160, 123, 125-131, 158, 161 (renumbered 1-39).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Drew Hamilton on August 30, 2007.

In the specification on page 10 after line 17, a brief description for Figures 7 and 8 was provided by inserting at this point the following sentences:

--Figure 7 shows a plate structure including digitally encoded address information.

Figure 8 corresponds to Figure 2d with the location of lenses 90 shown.—

On line 3 of claim 90, the phrase "said space chamber" was changed to --said chamber--.

On the last line of claim 105, the phrase --on the at least one insert-- was inserted after the phrase "a plurality of surface locations".

In claim 107, the phrase "of said lower surface" was deleted.

Claim 118 was canceled since the limitations of claim 118 have been incorporated in claim 105.

Claim 119 was changed to depend from claim 112. On line 2 of claim 119, the phrase "said one or more inserts" was changed to --said at least one insert--.

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On lines 1-2 of claim 120, the phrase "wherein the structure and the disc include lock and key portions to allow the structure" was changed to --wherein the disc and the at least one insert include lock and key portions to allow the at least one insert--.

2. The following is an examiner's statement of reasons for allowance: Application serial no. 09/284,421 is being allowed since none of the prior art of record teaches or fairly suggests a multi-reaction site assay plate structure comprising an upper planar, rigid surface and a lower closely spaced opposed planar, rigid surface, a plurality of dividers extending between the upper and lower surfaces so as to define a plurality of sectors in the space between the upper and lower surfaces that are configured to receive a sector plate insert, at least one sector plate insert inserted in at least one of the sectors so as to define a liquid receiving chamber therein, wherein the upper surface of the one or more sector plate inserts comprises a plurality of separate reaction sites, at least one opening in the upper or lower surfaces for the introduction of a fluid into the space defined by the sectors between the surfaces, and encoded information stored in at least one of the upper or lower surfaces that can be scanned by a light beam to read address information providing location information as to the part of the assay plate structure being scanned.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maureen M. Wallenhorst whose telephone number is 571-272-1266. The examiner can normally be reached on Monday-Thursday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden, can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maureen M. Wallenhorst
Primary Examiner
Art Unit 1743

mmw

August 31, 2007

Maureen M. Wallenhorst
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